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LAWS RELATIVE TO THE REGISTRY
AND RETURN
OF
BIRTHS, MARRIAGES AND DEATHS
IN
MASSACHUSETTS

GENERAL LAWS, CHAPTER 46

ISSUED FROM THE OFFICE OF THE
SECRETARY OF THE COMMONWEALTH



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The Commonwealth of Massachusetts

General Laws, Chapter 46.

RETURN AND REGISTRY OF BIRTHS, MARRIAGES AND DEATHS.

SECTION 1. Each town clerk shall receive or obtain and record in separate columns the following facts relative to births, marriages and deaths in his town:

Facts to be
recorded by
city and town
clerks.

In the record of births, date of record, date of birth, place of birth, name of child, his sex and color, names, places of birth and residence of his parents, including the maiden name of the mother and occupation of the father. In the record of birth of an illegitimate child, the name of, and other facts relating to, the father shall not be recorded except on the written request of both father and mother. The term "illegitimate" shall not be used in the record of a birth unless the illegitimacy has been legally determined, or has been admitted by the sworn statement of both the father and mother.

In the record of marriages, date of record, date of marriage, place of marriage, name, residence and official station of the person by whom solemnized, names and places of birth of the parties married, residence of each, age and color of each, the number of the marriage (as first or second) and if previously married, whether widowed or divorced, the occupation of each and the names of their parents, and the maiden names of the mothers. If the woman is a widow or divorced, her maiden name shall also be given.

In the record of deaths, date of record, date of death, name of deceased, sex, color, condition (whether single, widowed, married or divorced), supposed age, residence, occupation, place of death, place of birth, names and places of birth of the parents, maiden name of the mother, disease or cause of death, defined so that it can be clas-

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sified under the international classification of causes of death, place of burial, name of the cemetery, if any, and if deceased was a married or divorced woman or a widow, her maiden name and the name of her husband. The word "residence", as used in this section, shall be held to include the name of the street and number, if any, of the house.

Separate record
and indexes.

SECTION 2. Births, marriages and deaths shall be recorded separately, separate indexes thereof kept, and each entry shall be numbered in its order. Returns of births, marriages and deaths shall be preserved by the town clerk and conveniently arranged for examination.

Physician or
officer to
record and
make report of
births. Fee.
Penalty.
Daily list to
board of
health.

SECTION 3. Every physician, or hospital medical officer registered under section nine of chapter one hundred and twelve, in this chapter called officer, shall keep a record of the birth of every child in cases of which he was in charge, showing date and place of birth, the name, if any, of the child, its sex and color, the name, age, birthplace, occupation and residence (including the street number, if any, and the ward number, if in a city) of each parent, the maiden name of the mother and the name of the physician or officer, if any, personally attending the birth. If the child is illegitimate, the name of and other facts relating to the father shall not be set forth except upon written request of both the father and mother. Said physician or officer shall, within fifteen days after such birth, mail or deliver to the clerk or registrar of the town where such birth occurred, a report stating the facts hereinabove required to be shown on said record and also the said written request, if any; provided, that if said report is not so made within forty-eight hours after such birth, said physician or officer shall, within said forty-eight hours, mail or deliver to said clerk or registrar a notice stating the date and place of the birth, the street number, if any, the ward number, if in a city, and the family name. Upon presentation to him of a certificate of the town clerk stating that any such birth has been duly reported, the town treasurer shall pay to such physician or officer a fee of twenty-five cents for each birth so reported. Any physician or any such officer violating any provision of this section shall forfeit not more than twenty-five dollars.

The said town clerk or registrar shall file daily with the local board of health a list of all births reported to him,

Amended Chap 98 Aug 1923-

showing, as to each, the date of birth, sex, color, family name, residence, ward and physician or officer in charge.

SECTION 4. A member or servant of a family in which a child is born, having knowledge of the facts required for record relative to such births, shall furnish the same upon request of the clerk of the town where such child was born or its parents reside, or of any person authorized by him. Such member or servant refusing to furnish such facts shall be punished by fine not exceeding ten dollars.

Information as to births required.

Penalty.

SECTION 5. The clerk of each town shall annually in January ascertain the facts required for record by section one relative to all children born during the preceding year and resident therein. When necessary to supply deficiencies in the birth records, he may enter therein any written information obtained by him but he shall not change facts already recorded except as provided in section thirteen or except to correct errors in copying from notices, reports or certificates on file in his office. If such an error is so corrected, a statement to that effect, signed by him, shall be entered upon the record.

City and town clerks to ascertain facts for record of births, and may correct deficiencies and clerical errors therein.

SECTION 6. Parents, within forty days after the birth of a child, and every householder, within forty days after a birth in his house, shall cause notice thereof to be given to the clerk of the town where such child is born. Every householder in whose house a death occurs and the oldest next of kin of a deceased person in the town where the death occurs shall, within five days thereafter, cause notice thereof to be given to the board of health, or, if the selectmen constitute such board, to the town clerk. The keeper, superintendent or person in charge of a workhouse, house of correction, prison, reformatory, hospital, almshouse or other institution, public or private, which receives inmates from within or without the limits of the town where it is located shall, when a person is received, obtain a record of all the facts which would be required for record in the event of the death of such person, and shall, on or before the fifth day of each month, give notice to the town clerk of every birth and death among the persons under his charge during the preceding month. The facts required for record by section one shall, so far as obtainable, be included in every notice given under this section.

Notice of births and deaths by parent, keeper, etc.

SECTION 7. The master or other commanding officer of a vessel shall give notice, with the facts required for

Master to report births and deaths on vessel.

record, of every birth or death occurring among the persons under his charge. The notice of a birth shall be given to the clerk, and the notice of a death shall be given to the board of health or, if the selectmen constitute such board, to the clerk of the town at which his vessel first arrives after such birth or death.

Penalty for neglect to report.

SECTION 8. A parent, keeper, superintendent or other person required by section six to give or cause to be given notice of a birth or death, neglecting so to do for ten days after the time limited therefor, and the master or commanding officer of a vessel neglecting so to do for ten days after the arrival of his vessel at the place where notice is to be given, shall forfeit not more than five dollars.

Physician or officer to give death certificate. Penalty.

SECTION 9. A physician or registered hospital medical officer shall forthwith, after the death of a person whom he has attended during his last illness, at the request of an undertaker or other authorized person or of any member of the family of the deceased, furnish for registration a standard certificate of death, stating to the best of his knowledge and belief the name of the deceased, his supposed age, the disease of which he died, defined as required by section one, where same was contracted, the duration of his last illness, when last seen alive by the physician or officer and the date of his death. A physician or officer attending at the birth of a child dying immediately thereafter, or a physician or officer attending at the birth of a child born dead, shall forthwith furnish for registration a certificate, stating that to the best of his knowledge and belief such child either died immediately after birth or was born dead. Both the birth and death of such child shall be recorded and, if it was born dead, the word "stillborn", shall be entered in both the record of birth and death. A physician or any such officer neglecting or refusing to make such certificate or making a false statement therein shall forfeit not more than fifty dollars.

Physician or officer to state causes of death of soldier or sailor. Penalty.

SECTION 10. A physician or officer furnishing a certificate required by the preceding section shall, if the deceased was a soldier or sailor who served in the war of the rebellion, give both the primary and the secondary or immediate cause of death as nearly as he can state the same, and for neglect thereof shall forfeit ten dollars.

SECTION 11. Every undertaker or other person in charge of a funeral shall forthwith obtain the physician's or officer's certificate required by section nine, enter thereon the facts as to the deceased required by section one to be recorded, and return it to the board of health or its agent, or, if the selectmen constitute such board, to the clerk of the town where the death occurred. The person making such return shall receive from the town a fee of twenty-five cents. The board of health shall transmit such certificate to the town clerk.

Undertakers
to make
returns, etc.

SECTION 12. Each town clerk shall forthwith make a certified copy of the record of each birth and death recorded during the previous month, if the parents of the child born or the deceased were residents of any other town in the commonwealth or in any other state at the time of said birth or death, and transmit it to the clerk of the town where such parents or deceased person were so resident, and in case of a birth, also to the town where the birth occurred, stating the name of the street and number of the house, if any, where such parents or deceased person so resided; and the clerk of a town in the commonwealth receiving such certified copy, or certified copies of births, marriages or deaths, from the clerk of a town without the commonwealth, shall record the same.

Copies of
records of
births and
deaths, etc.

SECTION 13. If the record relating to a birth, marriage or death does not contain all the required facts, or if it is claimed that the facts are not correctly stated therein, the town clerk shall receive an affidavit containing the facts required for record, if made by a person required by law to furnish the information for the original record, or, at the discretion of the town clerk, by credible persons having knowledge of the case. He shall file such affidavit and record it in a separate book kept therefor, with the name and residence of the deponent and the date of such record, and shall thereupon draw a line through the incorrect statements without erasing them, shall enter upon the original record the facts required to amend the record and forthwith, if a copy of the record has been sent to the state secretary, shall forward to him a certified copy of the corrected record upon blanks to be provided by him and he shall thereupon amend the record in his office and state in the margin thereof his authority therefor. Reference to the record of the affidavit shall be made by

Correction of
errors in record.

*Amended, Chap 971
Clerk 1925*

the clerk on the margin of the original record. If the clerk furnishes a copy of such record, he shall certify to the facts contained therein as amended, and shall state that the certificate is issued under this section, a copy of which shall be printed on every such certificate. Such affidavit, or a certified copy of the record of any other town or of a written statement made at the time by any person since deceased required by law to furnish evidence thereof, may, in the discretion of the clerk, be made the basis for the record of a birth, marriage or death not previously recorded, and such copy of record may also be made the basis for completing the record of a birth, marriage or death not containing all the required facts.

Penalty for
false return.

SECTION 14. Whoever wilfully makes a false return relative to a birth, marriage or death shall forfeit not more than fifty dollars.

Clerks to
provide blanks
for returns of
births.

SECTION 15. Each town clerk shall annually give public notice that he will furnish blanks for returns of births to parents, householders, physicians and registered hospital medical officers applying therefor.

Blank forms to
be furnished to
towns, etc.

SECTION 16. The state secretary shall prepare and furnish to the clerks and boards of health of towns, and to the superintendent of the state infirmary, record books, books for indexes thereto, forms for returns, on paper of uniform size, and any necessary instructions and explanations, including an explanation that sections one hundred and ten and one hundred and eleven of chapter one hundred and eleven require physicians, registered hospital medical officers, nurses, relatives or other attendants to report immediately to the local board of health every child one or both of whose eyes become inflamed, swollen and red and show an unnatural discharge within two weeks after birth. Town clerks shall distribute the blank forms as the state secretary shall direct. A town may provide such books and forms if they conform to those so prepared.

Copies of
records of
births and
marriages to
be transmitted
to state secre-
tary annually,
and deaths
monthly, etc.

SECTION 17. The clerk of each town, and of each city containing less than thirty thousand inhabitants, annually, on or before March first, the clerks of cities containing more than thirty thousand and less than one hundred thousand inhabitants, annually, on or before April first, and the clerks of cities containing one hundred thousand inhabitants or more, annually, on or before

May first, shall transmit to the state secretary certified copies of the records of births and marriages recorded therein during the preceding year, with certified copies, upon blanks provided by him, of such records and corrections in such records as have not been previously returned. The clerk of each city and town shall, on or before the tenth day of every month, transmit to the state secretary, upon blanks to be furnished by him, certified copies of the returns of deaths in such town during the preceding month. In case no deaths have occurred, the fact shall be certified by the town clerk within ten days after the close of such month.

SECTION 18. The state secretary shall require and town clerks shall cause copies transmitted under the preceding section to be written in a legible hand. Copies to be legibly written.

SECTION 19. The record of the town clerk relative to a birth, marriage or death shall be prima facie evidence of the facts recorded. A certificate thereof, signed by the town clerk or assistant clerk, shall be admissible as evidence of such record. Clerk's record to be prima facie evidence.

SECTION 20. The superintendent of the state infirmary shall obtain, record and make return of the facts relative to births and deaths therein in the same manner as town clerks. The clerk of the town where such infirmary is located shall, relative to the births and deaths therein, be exempt from the duties otherwise required of him by this chapter. Superintendent of state infirmary to make records and returns.

SECTION 21. The state secretary shall cause the copies received by him for each year to be bound, with indexes thereto. He shall prepare from said copies such statistical tables as will be of practical utility, and make annual report thereof to the general court. Copies of records of births, marriages and deaths to be bound, etc.

SECTION 22. Any city, except Boston, and any town containing more than ten thousand inhabitants, may provide for the appointment of a person other than the clerk to be registrar. Such registrars, and in Boston the city registrar, shall be sworn and the provisions of this chapter relative to clerks shall apply to them. Registrar in certain cities and towns.

SECTION 23. The town clerk shall give written notice of the requirements of this chapter to any person neglecting to comply therewith, and upon the continuance of such neglect for one month shall notify the agent or attorney duly appointed by the town to sue in its cor- Proceedings on neglect to report.

porate capacity, or, if there is no such agent or attorney, the district attorney of the district, who shall cause a prosecution for the penalty or forfeiture therefor to be instituted.

Omission of
name of
illegitimate,
etc., child.

SECTION 24. In any statement of births and deaths printed by a town the name of an illegitimate child or of its parents or of the parents of a stillborn child shall not be printed, but the word "illegitimate" or "stillborn" shall be used in place thereof. A town violating this section shall forfeit to the mother of such child not more than one hundred dollars.

Disposition of
forfeitures.

SECTION 25. All fines and forfeitures recovered under this chapter shall, except as provided in sections twenty-four and twenty-seven, accrue to the benefit of the town where the required return should have been made.

Fees of city
and town
clerks.

SECTION 26. The town clerk shall receive the following fees from the town upon presenting to the town treasurer a certificate of the receipt of the prescribed copies by the state secretary: For each marriage, fifty cents; for each birth, one dollar; for each death returned to him by an undertaker or the board of health, fifty cents; for each death not so returned but obtained and recorded by him, one dollar. He shall also receive from the town the following fees: For each certificate transmitted under section twelve, fifty cents; for receiving and recording an affidavit and forwarding a copy thereof under section thirteen, one dollar; for sending the notice required by section twenty-three, fifty cents; for each oath administered in his capacity as clerk, twenty-five cents. A town containing more than ten thousand inhabitants may limit the aggregate compensation allowed to its clerk.

Penalty for
violation by
town clerks.

SECTION 27. A city or town clerk or registrar refusing or neglecting to perform any duty required of him under this chapter shall be punished by a fine of not less than twenty nor more than one hundred dollars. Fines recovered for violation of section eighteen shall be to the use of the commonwealth.

Who may
administer
oaths.

SECTION 28. An oath required by this chapter may be administered by the clerk, assistant clerk or registrar of a town.

Attestation of
copies under
seal.

SECTION 29. Town clerks or registrars shall attest their copies of the record of births, marriages or deaths with the official seal of the town.



